Case 3:06-cv-03656-CRB Document 5 Filed 09/30/09 Page 1 of 2 1 Tom Dutton, Esquire PITTMAN, DUTTON, KIRBY & HELLUMS, P.C. 2 2001 Park Place North, Suite 1100 Birmingham, AL 35203 3 Telephone: (205) 322-8880 Facsimile: (205) 328-2711 4 5 Attorney for Plaintiff 6 7 8 9 10 11 UNITED STATES DISTRICT COURT 12 NORTHERN DISTRICT OF CALIFORNIA 13 14 15 Docket No.: 3:06-CV-03656 16 IN RE: BEXTRA AND CELEBREX MARKETING SALES PRACTICES AND MDL NO. 1699 17 PRODUCT LIABILITY LITIGATION District Judge: Charles R. Breyer 18 19 Embry Wayne Hester, as Administrator of the Estate of Martha Carolyn Hester, deceased STIPULATION AND ORDER OF 20 DISMISSAL WITH PREJUDICE Plaintiff, 21 VS. 22 Pfizer, Inc., et al. 23 Defendants. 24 25 Come now the Plaintiff, EMBRY WAYNE HESTER, as Administrator of the Estate of 26 Martha Carolyn Hester, Deceased, and Defendants, by and through the undersigned attorneys. 27 pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of 28 this action with prejudice with each side bearing its own attorneys' fees and costs. -1-

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2	DATED: <u>5</u> /7_, 2009 E	By:
3		Tom Dutton PITTMAN, DUTTON, KIRBY & HELLUMS, P.C.
4		2001 Park Place North, Suite 1100
5		Birmingham, AL 35203 Telephone: (205) 322-8880
6		Facsimile: (205) 328-2711
7	A	Attorney for Plaintiff
8	DATED: Sept. 28, 2009	By:
9		DLA PIPER LLP (US)
10		1251 Avenue of the Americas New York, NY 10020
11		Telephone: (212) 335-4500
12		Facsimile: (212) 335-4501 Defendants' Liaison Counsel
13		
14		
15		
16	PURSUANT TO THE TERM IT IS SO ORDERED.	AS SET FORTH IN THE PARTIES' STIPULATION,
17		TES DISTRICT
18	Dated: 9/30/09	STATES
19	———— Ā	Hon. Charles R. Breyer Jnited States District Courses
20		Inited States District COUNTRY IT IS SO ORDERED
21		
22		Judge Charles R. Breyer
23		
24		PRIV DISTRICT OF CE
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